The studies incorporated in the October 24 notice address the mechanism by which MC metabolites induce lung and liver cancer in mice and draw conclusions regarding the relevance of the mouse data to the assessment of human cancer risk. OSHA determined that those studies are relevant to full consideration of concerns raised by the MC rulemaking and reopened the record until November 24, 1995, to allow the public an opportunity to comment.

The October 24 notice generated substantially more interest than OSHA anticipated and the Agency is concerned that the initial 30 days was insufficient to allow full participation by interested parties. Accordingly, OSHA is reopening the comment period until December 29, 1995.

DATES: Written comments on the materials incorporated through the October 24, 1995 notice of reopening must be postmarked by December 29, 1995.

ADDRESSES: Comments are to be submitted in quadruplicate to the Docket Office, Docket No. H–071B, U.S. Department of Labor, room N–2634, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 219–7894. Written comments limited to 10 pages or less in length also may be transmitted by facsimile to (202) 219–5046, provided that the original and 3 copies are sent to the Docket Office thereafter.

FOR FURTHER INFORMATION CONTACT: Anne C. Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N–3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 219–8148. For electronic copies of this Federal Register notice, contact the Labor News Bulletin Board (202) 219–4784; or OSHA's WebPage on Internet at http://www.osha.gov/. For news releases, fact sheets, and other short documents, contact OSHA FAX at (900) 555–3400 at $1.50 per minute.

SUPPLEMENTARY INFORMATION:

I. Background

On November 7, 1991, OSHA issued a notice of proposed rulemaking (56 FR 57036) to address the significant risks of MC-induced health effects. The proposed rule required employers to reduce occupational exposure to MC and to institute ancillary measures, such as employee training and medical surveillance, for further protection of MC-exposed workers.

OSHA convened public hearings (57 FR 24438, June 9, 1992) in Washington, DC on September 16–24, 1992 and in San Francisco, CA on October 14–16, 1992. The post-hearing period for the submission of additional briefs, arguments and summations ended on March 15, 1993.

On March 11, 1994, OSHA reopened the rulemaking record for 45 days (59 FR 11567) to obtain public input on three documents incorporated into the rulemaking record, one of which examined the relationship between MC exposure and human carcinogenesis. The limited reopening, which ended on April 25, 1994, generated 37 comments.

The Halogenated Solvents Industry Alliance (HSIA) subsequently submitted several recently completed studies which address the mechanism for MC-induced cancer in mice and which assert that species differences in the metabolism of MC preclude the use of mouse data to characterize human cancer risk. The utility of the mouse data in assessing human risk is a critical issue in this rulemaking. Therefore, OSHA concluded that it was appropriate, even at this late stage of the rulemaking process, to consider the HSIA-submitted studies in the drafting of the final rule. Accordingly, on October 24, 1995, the Agency reopened the rulemaking record to incorporate those studies and to provide the public with an opportunity to comment.

OSHA has been considering the impact of species differences on the MC risk assessment throughout this rulemaking, and has generated an extensive record over the nearly four years since the proposal was published. While the Agency has agreed with the HSIA that the new materials should be taken into account, the Agency still believes that every effort should be made to conclude this rulemaking expeditiously. To that end, OSHA reopened the record for 30 days to receive any additional comments and information regarding this issue. While the record was open, OSHA received many requests for the studies. Due to the substantial interest generated by the October 24 notice, the Agency has decided to allow interested parties additional time in which to submit their comments. Therefore, OSHA is extending the comment period until December 29, 1995.

OSHA will provide interested parties with copies of the materials incorporated into the methylene chloride record through the October 24, 1995 reopening notice, upon request, to facilitate full and timely public participation. Requests for copies of the studies should be addressed to the Christine Whittaker, Room N–3718, Health Standards Programs, OSHA, U.S. Department of Labor,200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219–7174. Fax: (202) 219–7125.

II. Public Participation

Comments

Written comments regarding the materials incorporated into the methylene chloride record through the October 24, 1995 reopening notice must be postmarked by December 29, 1995. Four copies of these comments must be submitted to the Docket Office, Docket No. H–071B, U.S. Department of Labor, room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. (202) 219–7894. All materials submitted will be available for inspection and copying at the above address. Materials previously submitted to the Docket for this rulemaking need not be resubmitted.

III. Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655), and 29 CFR part 1911.

Signed at Washington, DC, this 1st day of December 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–29719 Filed 12–5–95; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300405; FRL–4987–4]

RIN 2070–AC18

Maleic Hydrazide, Oryzalin, Hexazinone, Streptomycin; Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: For each of the pesticides subject to the actions listed in this proposed rule, EPA has completed the reregistration process and issued a Reregistration Eligibility Decision (RED). In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide chemicals

subject to this proposed rule, EPA is proposing to revoke various tolerances for maleic hydrazide, oryzalin, and hexazinone. This document also proposes to delete as surplusage the term ''negligible'' from a regulation on streptomycin.

DATES: EPA must receive written comments, identified by the OPP document control number [OPP-300405], on or before February 5, 1996.

ADDRESSES: By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-300405]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Jeff Morris, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive, Arlington, VA 22202. Telephone: (703)-308-8029; e-mail: morris.jeffrey@epamail.epa.gov.

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq.) authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 (21 U.S.C. 346(a)). Without such tolerances or exemptions, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 342). To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' (21 U.S.C. 346a(b)). For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.) and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration or whether any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, based on more recent data, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or revoking tolerances or exemptions from the requirement of tolerances is set forth in 40 CFR parts 177 through 180. The Administrator of EPA, or any person by petition, may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee. Current Agency policy on tolerance actions identified during the reregistration process is to waive the payment of fees if the tolerance action concerns revision or revocation of an established tolerance, or if the proposed exemption from the requirement of a tolerance requires the concurrent revocation of an approved tolerance. Comments submitted in response to the Agency's published proposals are reviewed, and the Agency then publishes its final determination regarding the specific tolerance actions.

II. Chemical-Specific Information and Proposed Actions

A. Maleic Hydrazide

1. *Regulatory history.* In 1952, USDA registered maleic hydrazide for use as a growth regulator. EPA issued a Registration Standard for maleic hydrazide in 1988. In 1992, EPA issued a Data Call-In (DCI) notice for maleic hydrazide and the potassium salt of maleic hydrazide that required data to address ecological effects, environmental fate, and residue chemistry data gaps. EPA published a RED for maleic hydrazide in June 1994 that reflects a reassessment of all data submitted to date in response to the Registration Standard and the 1992 DCI. The RED also conditions the maleic hydrazide reregistration on the cranberry tolerance revocation proposed in this document. Persons interested in the details of this reassessment are referred to the maleic hydrazide RED (NTIS #PB88-236849).

2. *Current proposal.* EPA proposes to revoke the 15-ppm tolerance for maleic hydrazide residues in or on cranberries, as listed in 40 CFR 180.175(b). EPA is proposing this action for two reasons: (1) The registrant is not supporting the use of maleic hydrazide on this commodity, and end-use maleic hydrazide labels do not list cranberries as a registered use (Two States, Massachusetts and New Jersey, had FIFRA section 24(c) (Special Local Need) registrations for the use of maleic hydrazide on cranberries in 1984 and 1985; EPA cancelled those registrations in 1991, and EPA believes that since 1992 there has been little or no usage of maleic hydrazide on cranberries in those States.) Therefore, no residues of maleic hydrazide are expected in or on cranberries, making a cranberry tolerance unnecessary. (2) Also, EPA does not have adequate nature-of-the-residue data to determine that the cranberry tolerance for maleic hydrazide is protective of the public health. A tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act requires a finding that the tolerance will protect the public health, and to make such a finding for the established cranberry tolerance in 40 CFR 180.175(b), EPA needs adequate data on the nature of the residue (see 40 CFR part 158 for guidance on data requirements). To date, the Agency has not received these data.

If during the comment period of this proposed rule no party indicates that it will support the use of maleic hydrazide on cranberries by providing the necessary data, EPA will issue a final rule revoking the tolerance.

B. Oryzalin

1. *Regulatory history.* Oryzalin was first registered in the United States in 1974 for use as a preemergence herbicide in fruit and nut crops, vineyards, orchards, forest areas, noncrop areas, and agricultural crops. In

1987, EPA issued a Registration Standard for oryzalin that evaluated the studies submitted to that date. EPA issued a DCI for oryzalin in 1991 requiring additional phytotoxicity data, plant and animal analytical methods, and nondietary exposure data. The January 27, 1995 RED for oryzalin reflects a reassessment of all data submitted in response to the Registration Standard and the DCI. The RED also conditions the oryzalin reregistration on the tolerance actions proposed in this document. The Agency refers persons interested in this reassessment to the oryzalin RED (NTIS publication #PB90-174137).

2. *Current proposal.* EPA proposes to revoke the tolerances for oryzalin residues in or on the following commodities listed in 40 CFR 180.304(a): cottonseed, .05 ppm; grain, barley, .05 ppm; grain, wheat, .05 ppm; peas (succulent), .05 ppm; potatoes, .05 ppm; and soybeans, .1 ppm. EPA is proposing this action because the registrant is not supporting the use of oryzalin on these commodities, and end-use oryzalin labels do not list these commodities as registered uses (these have not been registered uses since before publication of the the 1987 registration standard). As a result, residues of oryzalin in or on these commodities are not expected; therefore, the tolerances are not necessary.

EPA previously issued a proposal to remove the above-named commodities from 40 CFR 180.304(a). (See the Federal Register of January 18, 1995 (60 FR 3611).) That proposal is superseded by this document.

EPA has sufficient data to ascertain the adequacy of the established tolerances listed 40 CFR 180.304(a) for the above-named commodities. However, if no party indicates support for the use of oryzalin on these commodities during the comment period of this proposed rule, EPA will issue a final rule revoking the tolerances.

C. Hexazinone

1. *Regulatory history.* EPA first registered hexazinone in 1975 for use as a broad-spectrum herbicide for general weed control. In 1982, EPA issued an initial Registration Standard for hexazinone, and in 1988 EPA issued a second Registration Standard. The 1988 Standard summarized available data supporting the registration of hexazinone products and required additional product chemistry, residue chemistry, toxicology, ecological effects, and environmental fate data. The January 27, 1995 RED for hexazinone represents an assessment of the data required by the Registration Standards. The RED also conditions the hexazinone reregistration on the tolerance actions proposed in this document. Persons interested in this reassessment should contact NTIS (telephone no. 703-487-4650) for a copy of the hexazinone RED.

2. *Current proposal.* EPA proposes to revoke the tolerances for hexazinone residues in or on the following commodities in 40 CFR 180.396: eggs, .1 ppm; poultry, fat, .1 ppm; poultry, meat, .1 ppm; poultry, mbyp, .1 ppm; pineapple, fodder, 5 ppm; and pineapple, forage, 5 ppm.

EPA is proposing to revoke the egg and poultry tolerances because the maximum residue expected in poultry tissues would be .005 ppm, an order of magnitude below the limit of detection for hexazinone metabolites, resulting in no detectible residues. Therefore, tolerances are not needed for hexazinone residues in or on eggs and poultry. The pineapple fodder and forage tolerances are proposed for revocation because EPA no longer regulates pineapple fodder and forage as raw agricultural commodities (since the Agency does not consider pineapple fodder and forage to be produced in significant quantities to warrant regulation).

If no valid objections are raised during the comment period following this proposed rule, EPA will issue a final rule revoking the tolerances.

D. Streptomycin

1. *Regulatory history.* Streptomycin has been used in the United States since the 1940s to treat bacterial infections in humans and was first registered as a pesticide in 1955. At that time, it was used primarily as a bactericide/fungicide on selected agricultural and nonagricultural crops. Other uses include seed treatment, residential use, and as an aquarium algaecide. In 1988, EPA issued a Registration Standard for streptomycin requiring data to support the registered uses regulated under FIFRA.

EPA issued a RED for streptomycin on September 30, 1992, reflecting a reassessment of all data submitted in response to the Registration Standard. The RED also conditions the streptomycin reregistration on the tolerance action proposed in this document. Persons interested in this reassessment should contact NTIS (telephone no. 703-487-4650) for a copy of the streptomycin RED.

2. *Current proposal.* EPA proposes to delete ''negligible'' from 40 CFR 180.245 because in this case the term ''negligible'' is surplusage.

III. Public Comment Procedures

EPA invites interested persons to submit written comments, information, or data in response to this proposed rule. Comments must be submitted by February 5, 1996. Comments must bear a notation indicating the document control number. Three copies of the comments should be submitted to either location listed under **ADDRESSES** at the beginning of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any or all of that information as ''Confidential Business Information'' (CBI). EPA will not disclose information so marked, except in accordance with procedures set forth in 40 CFR part 2. A second copy of such comments, with the CBI deleted, also must be submitted for inclusion in the public record. EPA may publicly disclose without prior notice information not marked confidential.

Any person who has registered or submitted an application for registration of a pesticide under FIFRA, as amended, that contains any of the ingredients listed herein may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Documents considered and relied upon by EPA pertaining to this action, and all written comments filed pursuant to this proposed rule, will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays.

A record has been established for this rulemaking under docket number [OPP-300405] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

IV. Regulatory Assessment Requirements

To satisfy requirements for analysis specified by Executive Order 12866, the Regulatory Flexibility Act, the Paperwork Reduction Act, and the Unfunded Mandates Reform Act, EPA has analyzed the impacts of this proposal.

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not a ''significant regulatory action,'' because it does not meet any of the regulatory-significance criteria listed above.

B. Regulatory Flexibility Act

EPA has reviewed this proposed rule under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 et seq.) and has determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. Accordingly, I certify that this proposed rule does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposed regulatory action does not contain any information collection requirements subject to review by OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

This proposed rule contains no Federal mandates under Title II of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, for State, local, or tribal governments or the private sector, because it would not impose enforceable duties on them.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 30, 1995.

Jack E. Housenger,

Chief, Special Review Branch, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.175, by removing paragraph (b) and designating it as ''reserved'' as follows:

§ 180.175 Maleic hydrazide; tolerances for residues.

* * * * *

(b) [Reserved]

§ 180.245 [Amended]

3. By amending § 180.245 *Streptomycin; tolerances for residues*, by removing the term ''negligible'' from the text.

§ 180.304 [Amended]

4. In § 180.304 *Oryzalin; tolerances for residues* by amending paragraph (a) in the table therein by removing the entries for cottonseed; grain, barley; grain, wheat; peas (succulent); potatoes; and soybeans.

§ 180.396 [Amended]

5. In § 180.396 *Hexazinone; tolerances for residues* by amending paragraph (a) in the table therein by removing the entries for eggs; poultry, fat; poultry, mbyp; poultry, meat; pineapple, fodder; and pineapple, forage.

[FR Doc. 95–29734 Filed 12–5–95; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 180

[OPP–300403; FRL–4986–2]

RIN 2070–AC18

Tebuthiuron; Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA has completed the reregistration process and issued a Reregistration Eligibility Document (RED) for tebuthiuron. In the reregistration process, all information to support this pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessment for the pesticide chemical subject to this proposed rule, EPA is proposing to lower the tolerance for grass hay and grass rangeland forage and change the commodity name grass, rangeland forage to grass, forage.

DATES: Written comments, identified by the OPP document control number [OPP–300403], must be received on or before January 5, 1996.

ADDRESSES: By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted in ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by docket number [OPP–300403]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federeal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Ben Chambliss, Special Review